

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOYCE RICHTER

Plaintiff,

V.

VIRGINIA CVS PHARMACY, LLC.

Defendant.

Case No: _____

NOTICE OF REMOVAL

To the Honorable Judges of the Eastern District of Virginia:

COMES NOW Defendant Virginia CVS Pharmacy, LLC (“Virginia CVS”), by counsel, pursuant to 28 U.S.C. § 1446, and hereby requests that this Court assume jurisdiction over this action. In support thereof, Virginia CVS hereby states as follows:

1. Joyce Richter (“Plaintiff”) filed an Amended Complaint in the above-captioned matter in the Circuit Court for the City of Alexandria, Virginia bearing Case No.CL20002779. This action is currently pending in that Court.

2. On March 17, 2021, CVS Pharmacy, Inc. was served with the Amended Complaint.

A copy of the Amended Complaint is attached hereto as Exhibit A.

3. Plaintiff's Amended Complaint alleges that she was injured at the Virginia CVS store located at 6436 Springfield Plaza, in Springfield, Virginia. Ex. A at ¶¶ 4 and 7.. Plaintiff's *ad damnum* seeks \$600,000.00 in compensatory damages. *Id.* at final unnumbered paragraph.

4. Plaintiff alleges that she is a citizen of Virginia. *Id.* at ¶ 2.

5. Virginia CVS is a limited liability company formed in Virginia. The citizenship of a limited liability company is determined by the citizenship of its member(s). *Cent. W. Va. Energy Co. v. Mountain State Carbon, L.L.C.*, 636 F.3d 101, 103 (4th Cir. 2011). The sole owner/member

of Virginia CVS Pharmacy, LLC is CVS Pharmacy, Inc., which is incorporated and has its principal place of business in Rhode Island. “A corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” 28 U.S.C. §1332(c)(1). Accordingly, Virginia CVS Pharmacy, LLC is a citizen of Rhode Island and its principal place of business is in Rhode Island.

6. Pursuant to 28 U.S.C. § 1332(a), § 1332(b), and § 1441, this case meets the requirements for removal to Federal court based on diversity jurisdiction. The Plaintiff is a citizen of Virginia. Virginia CVS is not a citizen of Virginia and it does not have its principal place of business in Virginia. Thus, there is complete diversity of citizenship. In addition, the amount in controversy exceeds \$75,000.00 because Plaintiff claims \$600,000.00 in compensatory damages in her Amended Complaint.

7. A copy of the responsive pleading filed by CVS Pharmacy, Inc. in the Circuit Court of the City of Alexandria, Virginia is attached hereto as Exhibit B.

8. This Notice of Removal is being filed with the Court within (30) days after service of the Amended Complaint on CVS Pharmacy, Inc. Removal is therefore proper pursuant to 28 U.S.C. § 1441.

9. The Notice of Removal is being served on counsel for Plaintiff and the Clerk of the Circuit Court for the City of Alexandria, Virginia.

10. Based on the foregoing, this action should be removed to the United States District Court for the Eastern District of Virginia, Alexandria Division.

11. This Notice of Removal is signed pursuant to Rule 11 of the *Federal Rules of Civil Procedure*.

WHEREFORE, for the foregoing reasons, Defendant Virginia CVS Pharmacy, LLC, incorrectly sued as CVS Pharmacy, Inc., respectfully requests that this Court take jurisdiction of this action and issue all necessary orders and process to remove this action from the Circuit Court for the City of Alexandria, Virginia to the United District Court for the Eastern District of Virginia, Alexandria Division.

VIRGINIA CVS PHARMACY, LLC

By Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March 2021, I filed the foregoing Notice of Removal electronically with the Clerk of the Court using the CM/ECF system and to the following attorney:

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